

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3925 of 2007

Raju Babu Koli .. Applicant
versus
State of Maharashtra .. Respondent

...

Mr.R.D. Suryawanshi for the applicant.

Mr.Rajesh More APP for the State.

CORAM : D.G.KARNIK, J

DATED : 14th December 2007

P.C.:

1. Heard learned counsel for the parties.
2. The petitioner was arrested in connection with the crime registered under C.R.No.I-36/2007 with Ambarnath Police station for the alleged offences punishable under section 302, 324 r/w sec.34 of the IPC and section 25 and 27 of the Arms Act.
3. The earlier application moved by the

petitioner before the Sessions Court was rejected by the Addl. District Judge and Addl. Sessions Judge, Kalyan vide order dated 22nd August 2007.

4. Learned counsel for the petitioner took me through the FIR as well as the order passed by this court on 31st July 2007 in Criminal Application no.2315 of 2007 granting bail to co-accused Vishnu Shantappa Koli. Perusal of the FIR shows that the role attributed to Vishnu S. Koli and the present petitioner is similar except that in case of the petitioner it is alleged that he pelted stones at the complainant. No other overt act has been alleged in the FIR to the present petitioner. Learned counsel for the petitioner therefore submitted that petitioner is entitled to a bail on the ground of parity. Learned APP also submitted that the case of the petitioner is similar to Vishnu S. Koli who has been granted bail and there is a parity between the two.

6. In this view of the matter, in my opinion, petitioner is entitled to bail on the ground of parity and subject to similar conditions. Accordingly I pass the following order:-

O R D E R

. The petitioner who is arrested in C.R.No.I - 36/2007 registered with Ambernath police station, unless required in any other offence, be released on bail in the sum of Rs.25,000/- with two sureties of equal amount subject to following conditions:-

i) The petitioner shall report to Ambernath police station once a month between 1st and 5th day of the month till the conclusion of the trial.

ii) he petitioner shall not offer any inducement nor give any threats to any of the prosecution witnesses nor shall he in any manner tamper with the prosecution witnesses.

iii) The petitioner shall co-operate with the Investigating Agency for disposal of the case.

iv) The statement made by the petitioner that he is residing at the address mentioned in the title of the application is accepted. The petitioner shall not change his place of residence without prior permission of the learned Sessions Judge.

. Breach of any of the terms and conditions would invite cancellation of bail.

(D.G. KARNIK, J)